

## REMARKS

Claims 1-18 are pending. Claims 1-14 have been withdrawn, leaving claims 15-18 under examination on the merits. Claim 15 has been amended herein. Applicants respectfully submit that the amendment introduces no new matter. Support for the present amendment can be found on page 7, paragraph 2, line 6 of the specification.

### *The Claims are Novel Over Fuhr et al.*

Claims 15-18 stand rejected under 35 U.S.C. § 102 (b) as allegedly anticipated by Fuhr *et al.* (WO 02/26719, US 2004/0065093) ("Fuhr").

The Examiner asserts that Fuhr teaches a method for storage of a suspension specimen in a low temperature state in a carrier comprising accommodating the specimen in a specimen chamber that may be made of a flexible material. It is alleged that Fuhr discusses the use of a meandering hose that may be closed by clamping together and states that, alternately, a rigid tube may be used (citing English translation, p. 7, par. 82-83). Fuhr allegedly teaches positioning the specimen chamber in a first frame part of a mounting frame of a carrier, which comprises a first and second frame part, which are adapted for assembling together detachably using one or more connecting elements, connecting the first and second frame parts into an assembled state wherein the first and second parts come into contact on side faces with the specimen chamber, such that the specimen chamber is immovable relative to the mounting frame, and converting the specimen to a low temperature state by positioning the carrier with the specimen chamber in a cryomedium (citing English translation, figs. 17, 18, 21-24, p. 3: par. 24, p. 4, par. 48-49, p. 8, par. 88, 91). The Examiner further alleges that the specimen chambers of Fuhr may comprise an inlet end and an outlet end and may be filled with a suspension specimen by placing the inlet end into a specimen chamber and applying reduced pressure to the outlet end, i.e., the chamber is filled by application of a vacuum or by capillary forces; (citing fig. 21, and English translation, p.8 par. 88). It is also alleged that in the method of Fuhr, at least one partial specimen may be detached from the specimen chamber in the low-temperature state by mechanical separation, such as by cutting off chamber sections of the specimen chamber adjacent to frame parts of the carrier (citing English translation, figs. 21, 22, p. 5, par. 60, p. 7, par. 80, p. 8, par. 90).

Applicants respectfully traverse the rejection. Contrary to the assertions in the Office Action, Fuhr does not anticipate the instantly claimed invention because Fuhr does not teach each and every element of independent claim 15 and claims 16-18 dependent thereon. The claim has been amended to more clearly reflect that which Applicant regards as his invention. The claims now expressly requires that the specimen chamber is securely clamped between the first and second frame parts such that it is immovable relative to the mounting frame. Fuhr does not disclose all of the claimed features of claim 15, and claims dependent thereon.

For example, contrary to the assertions in the Office Action, Fuhr does not teach any method using a mounting frame comprising first and second frame parts, which can be assembled together detachable using one or more connecting elements. The Examiner, while alleging the elements are present in the reference, has not pointed to any specific support in Fuhr disclosing those claim elements. Further, the Fuhr reference does not disclose the step of positioning the specimen chamber in a clamped state between the first and second frame parts in the assembled states thereof (in the clamped state, the specimen chamber is immovable relative to the mounting frame).

Thus, Applicants respectfully assert that at least these two claimed features of claim 15 are not disclosed by Fuhr. The only embodiments in Fuhr illustrating mounting frames are provided in Figure 17 and Figure 22. However, none of the disclosed mounting frames has a structure with two frame parts, which are assembled together by connecting elements. In each case, conventional methods using integral mounting frames having through holes for accommodating the specimen chamber are disclosed or depicted. Furthermore, it is to be noted that the specimen chamber disclosed by Fuhr is not clamped in a mounting frame. In contrast with Applicants' claims, the hose-shaped specimen chamber e.g. of Figure 17 in Fuhr is fed into the mounting frame. The specimen chamber is thus shiftable (moveable) relative to the mounting frame. Only after the placement of the specimen chamber in the frame, is the specimen chamber loaded (see page 7). This subsequent loading step would be impossible if the specimen chamber would be clamped in a securely manner.

Fuhr does not teach each and every feature of the claimed invention, and accordingly, the claims are not anticipated by the asserted Fuhr reference.

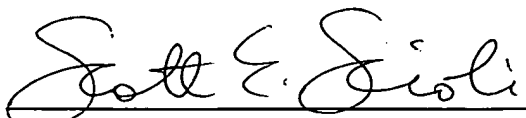
**DOCKET NO.:** 47267-0002-00-US 215069 (15870/US Hz/ge)  
**Application No.:** 10/532,281  
**Office Action Dated:** March 21, 2008

**PATENT**

**Conclusion**

This response is believed to fully responsive to the issued Office Action. The claims are in condition for allowance. An early and favorable action to that end is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative to resolve any outstanding issues prior to allowance.

Respectfully submitted,



Scott E. Scioli  
Registration No.: 47,930

Date: June 23, 2008

**DRINKER BIDDLE & REATH LLP**  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
215-988-2700  
215-988-2757 (fax)